


Overtime Compensation for Disaster Operations Work

	Louisiana Department of Health	
	Policy Number	27.1
	Content	LDH Policy on Overtime Compensation for Disaster Operations Work
	Effective Date	June 15, 2016
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If there is a discrepancy between an LDH Policy and a Program Office or facility policy, the LDH policy shall govern/override/supersede the conflicting section within the Program Office or facility policy.

I. POLICY

This policy sets the standards for compensation of overtime hours for Louisiana Department of Health (LDH) employees who perform duties relative to disaster operations and emergency management and supersedes all individual office or agency policies at such times. All employees who work Emergency Support Function 8 (ESF8) in preparation for anticipated events and during declared disasters may, upon approval or directive by the Secretary, Deputy Secretary or Undersecretary, receive compensation in the form of cash payment for all overtime worked due to and directly related to an emergency event. For the purposes of this policy, disaster duties shall not include drills, meetings and routine tasks. The event shall begin when the Governor declares an official State of Emergency or the State Emergency Operations Center is activated at a Level III or lower, whichever comes first. The event shall end when the Governor's Office of Homeland Security and Emergency Preparedness resumes at Level IV (Normal Operations) or the LDH Emergency Preparedness Director notifies Executive Staff that the emergency event has ended. Once the event ends, the Department's normal compensation

policies shall apply. (Section V.D of this policy contains a special provision for employees who are exempt from the Fair Labor Standards Act).

II. APPLICABILITY

The provisions of this policy shall apply to all employees called to work at Emergency Disaster Operations Sites. This policy may apply to employees performing off-site support functions (such as budgeting, computer support, etc.), but only if in direct support of an ESF8 function.

III. DEFINITIONS

A. Disaster Hours Worked

1. **Includes** time spent in:

Working at an assigned Emergency Disaster Operations Site and/or performing disaster operations tasks in direct support of an ESF8 function.

Transit to or from an employee's work assignment outside the employee's work domicile.

2. **Excludes** time spent in:

Ordinary travel to or from the employee's home or work domicile. An exception shall be made for all classified employees **who are part of the Protective Services pay schedule and are activated for ESF8 functions**. For these employees, **disaster hours worked** shall be considered to begin at the start of the commute regardless of work domicile.

Sleeping at an assigned location, except under extraordinary circumstances as defined by the Emergency Duty location's Incident Commander upon approval of the LDH Emergency Operations Director.

A thirty-minute meal break per each 12-hour shift.

B. Overtime Hour

1. For the purpose of FLSA, overtime is any hour (or portion thereof) actually worked over 40 hours in a work week or other number of hours regularly scheduled in the work week.

2. For the purpose of Civil Service rules and classified employees, overtime is defined in Chapter 21 of the Civil Service rules as any hour worked:

- a. In excess of the employee's regularly scheduled work day.
 - b. In excess of the employee's regularly schedules work period.
 - c. On a holiday, including designated holidays.
 - d. During official closures.
- 3. For unclassified employees in the Executive Branch, overtime is defined in the most recent Executive Order on Rules and Policies on Leave for Unclassified Employees.
- C. Work Week

The work week begins and ends at midnight on Sunday night.
- D. Work Domicile

Parish assigned to the employee's position as recorded in LaGov ERP.
- E. Emergency Support Function 8 (ESF8)

Emergency Support Function 8 is Public Health and Medical Services and support to other ESF's to include Emergency Transportation, Communications, Public Works and Engineering, Firefighting, Emergency Management, Mass Care, Housing and Human Services, Resources Support, Public Health and Medical Services, Search and Rescue, Oil Spill, Hazardous Materials and Radiological, Agriculture, Energy and Utilities, Public Safety and Security, Community Recovery, Mitigation and Economic Stabilization, Emergency Public Information or Military Support to Civilian Affairs functions as specified in the Governor's Executive Order pertaining to the State's Emergency Operations Plan.
- F. Emergency Disaster Operations Site

Emergency Disaster Operations Sites include but are not limited to sites such as Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP), LDH Emergency Operations Center (LDH EOC), Regional/Parish Emergency Operations Centers (Regional/Parish EOC), Medical Special Needs Shelters (MSNS), Critical Transportation Needs Shelters (CTNS), hazardous material sites, transportation staging sites, Point of Dispensing Sites (PODS), search and rescue operations sites, and sites designated by the LDH Emergency Preparedness Director or his/her designee.

IV. SCHEDULE CHANGES

- A. Under normal circumstances, the employee's regular work hours and schedule will not be changed; however, while working in an Emergency Disaster Operations Site, work hours and schedule for the week may be flexed as needed to accommodate sites operating 24 hours per

day. Regular work hours may be suspended for employees who perform emergency preparedness duties.

- B. If, due to scheduling difficulty or administrative error, the employee is not able to work the entire 40 hours in the work week or other number of hours regularly scheduled in the work week, Special Leave – Act of God (LSAG) may be given for sufficient hours to make the employee whole. However, if an employee fails to work 40 hours or other number of hours in the work week due to his own need to be off, the employee shall be required to use other forms of leave.
- C. At the discretion of the Appointing Authority or his/her designee, employees who have been assigned to report to an Emergency Operations Disaster Operations Site or a 24-hour facility to perform disaster operations work may be granted a maximum of eight (8) hours of special leave (LSAG) prior to reporting or upon completion of duty (when an Emergency Disaster Operations Site or 24-hour facility stands down from the disaster situation) to take care of personal business and family needs. **This special leave (LSAG) shall not exceed a total of 8 hours for each declared emergency situation.** This special leave (LSAG) must be requested in advance and shall not be approved after the fact. These special leave (LSAG) hours shall not count as hours worked when calculating overtime.

V. COMPENSATION FOR OVERTIME

- A. LDH employees working at Emergency Disaster Operations Sites shall accurately complete LDH Form HR48-B (LDH Disaster Operation Time Sheet), recording all hours worked at the site. (Appointing Authorities may direct other employees performing disaster operations duties to complete the HR48-B as needed).
- B. Overtime for LDH employees working at Emergency Disaster Operations sites shall be entered as Compensatory Leave (Z001 K-time) and coded to the emergency event as directed by the Division of Administration. Employees shall receive compensation (compensatory leave or cash payment) for overtime hours worked in accordance with this policy, LDH Overtime Policy #45, the Fair Labor Standards Act, Civil Service rules and other federal and state laws.
- C. Employees who work disaster-related overtime as defined in this policy and who earn overtime at the time and one-half rate are eligible for overtime compensation at the time and one-half rate only for those hours actually worked **in excess of 40 hours** during any affected week. For purposes of calculating the number of hours actually worked, leave hours taken and observed holidays shall not be counted as time worked.
- D. Effective July 11, 2019 through July 10, 2024 LDH may compensate exempt employees performing assigned disaster-related duties at the time-and-one-half rate (compensatory leave or cash payment) for overtime hours worked in accordance with this policy, as approved by the Civil Service Commission on October 2, 2019.

VI. DISCIPLINARY ACTIONS

Any employee who violates this policy may be subject to disciplinary action up to and including dismissal from employment.

VII. REFERENCES

Civil Service Rules – Chapter 21

Fair Labor Standards Act

LDH Overtime Policy #45

LDH Policy #65 – Emergency Preparedness (All Hazards Response)

LDH Policy #10 – Travel Regulations Policy (PPM49)

VIII. REVISION HISTORY

Date	Revision
August 27, 2008	Policy created
March 23, 2010	Policy revised
June 15, 2016	Housekeeping change
August 28, 2018	Housekeeping change (Section V.C added on page 4)
June 10, 2020	Housekeeping change (Sections I and V)